

"Express Mail" Label No.: EL008724447US

Date of Deposit : November 6, 1998

I hereby certify that this is being deposited with the United States Postal Service "Express Mail Post Office to Address" service under 37 CFR 1.10 on the date indicated above and is addressed to:

Box Issue Fee

Assistant Commissioner for Patents  
Washington, D.C. 20231

By: 

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

GREGORY, Richard J. *et al.*

Application No.: 08/328,673

Filed: October 25, 1994

For: RECOMBINANT ADENOVIRAL  
VECTOR AND METHODS OF  
USE

Examiner: Guzo, D.

Art Unit: 1636

Batch No.: D87

**PETITION ACCOMPANYING  
AMENDMENT AFTER ALLOWANCE  
UNDER 37 C.F.R. § 1.312(b)**

**Box Issue Fee**

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicants petition the Commissioner of Patents and Trademarks to amend the above-identified application after payment of the issue fee, pursuant to 37 C.F.R. § 1.312(b). An Amendment and the required formal drawings are enclosed herewith, along with a petition to extend the time for response for three months.

The issue fee for this application was paid on August 4, 1998. Under 37 C.F.R. § 1.312(b), after a notice of allowance and payment of the issue fee, an amendment must be accompanied by a petition including the fee set out in 37 C.F.R. § 1.17(i) and a showing of good and sufficient reasons why the amendment is necessary and was not earlier presented.

The amendment is necessary as required under 37 C.F.R. § 1.312(b). The Notice of Allowability mailed May 8, 1998 included a requirement for submission of formal

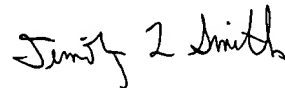
drawings pursuant to 37 C.F.R. § 1.84. In the course of preparing formal drawings, Applicants discovered that the original photographs that were used as the figures in the application were missing. The missing figures are not necessary to understanding the invention, as explained more fully in the accompanying Amendment. Therefore, Applicants request cancellation of these figures by way of the amendment submitted herewith, along with the deletion of the references to the canceled drawings in the specification and the renumbering of the remaining figures. Therefore, a good and sufficient reason exists why the amendment is necessary.

The amendment could not be presented earlier because it was only recently noted that the original photographs were missing. After they were discovered to be missing, a search for the photographs was conducted, further delaying submission of the drawings. The issue fee was paid as required, but the photographs could not be located. Therefore, good and sufficient reasons exist for why the amendment could not be presented earlier.

Applicants respectfully request that this petition be considered and the amendment be entered.

The Commission is hereby authorized to charge this petition fee of \$130, pursuant to 37 C.F.R. § 1.17(i), to the Deposit Account No. 20-1430. Please charge any additional fees or credit overpayment to the above Deposit Account. This petition is submitted in triplicate.

Respectfully submitted,



Timothy L. Smith, Ph.D.  
Reg. No. 35,367

TOWNSEND and TOWNSEND and CREW LLP  
Two Embarcadero Center, 8<sup>th</sup> Floor  
San Francisco, California 94111-3834  
Tel: (415) 576-0200  
Fax: (415) 576-0300

SL

SF 175659 v1